

REMARKS

This Amendment is responsive to the Office Action dated August 15, 2005.

Claims 1-11 were pending in the application. In the Office Action, Claims 1-9, 11 were rejected. In this Amendment, Claims 1, 6 and 7 were amended.

Applicant submits that Claims 1-11 are in a condition for allowance and requests withdrawal of the objections and rejections in light of the following remarks.

Specification

Applicant notes Examiner's statement pertaining to the correction of the number of Applicant's co-pending U.S. Application. In light of Examiner's remarks, Applicant has corrected the specification. Thus, the objection should be withdrawn.

The drawings were not objected to. However, Applicant has amended Figure 10 for the purposes of clarification. Figure 10 of the application shows an embodiment of the invention where the shape of the top segment's extensions is parabolic (See Specification, page 16, lines 7-9). Attached to this amendment is a replacement drawing sheet including Figure 10(a) of the above embodiment and Figure 10(b) of another embodiment where the shape of the top segment's extensions is triangular. The amended drawing is supported by the original specification and does not contain new matter. (See Specification, page 15, lines 14-26).

Claim Objections

Claim 1 was objected to for failing to provide antecedent basis for the base member in line 14. Claim 1 was amended accordingly. Thus, the objection should be withdrawn.

Claim 7 was objected to as containing the trademark VELCRO. Applicant substituted VELCRO with the generic terminology “hook and loop material.” Thus, the objection should be withdrawn.

§ 102 Rejections

Claims 1-8, 10 were rejected under 35 U.S.C. 102 (b) as being anticipated by Graham (USPN 4455705).

The independent Claim 1 was rejected as being anticipated by Graham. Applicant submits that Claim 1 is not anticipated by Graham.

Applicant’s invention as recited in Claim 1 is directed toward a cleaning device, comprising a cleaning member, a base plate, an ergonomic handle and a connector. Claim 1 specifies that the base plate has a plurality of T-shape projections having a reasonably stiff top segment where the reasonably stiff top segment has a substantially straight upper surface. Supporting disclosure can be found in the specification. (See Specification, page 15, lines 6-7 and Figure 10). Claim 1 further specifies that the handle has a channel configured in such a manner as to accept at least part of a user’s fingers when the handle is grasped from above.

Graham does not teach Applicant’s T-shape projections where the top segment has a substantially straight upper surface. Rather, Graham teaches palm tree-shape

projections. Also, Graham does not teach Applicant's handle. Graham teaches an elongated handle capable of being grasped from the side. The handle is dependant for flexibility of motion on the use of a pivot, which provides for back and forth motions but hinders circular or side to side motions. Furthermore, in the process of cleaning, a user could even hurt his or her fingers if placed on the channel.

Since Graham fails to teach (1) Applicant's projections and (2) Applicant's handle, Claim 1 is believed to be patentable over Graham. Thus, the rejection is transversed.

Claims 2-8, 10 were rejected under 35 U.S.C. 102(b) as being anticipated by Graham. Because Claim 1 is patentable over Graham, Claims 2-8, 10 are believed to be patentable over Graham on the basis of their dependency on Claim 1. Thus, the rejection is transversed.

Claim 1 was rejected under 35 U.S.C. 102 (e) as being anticipated by Hintz et al. (USPN 6493899). Applicant submits that Claim 1 is not anticipated by Hintz.

Applicant's invention as recited in Claim 1 is directed toward a cleaning device comprising a cleaning member, a base plate, an ergonomic handle and a connector. Claim 1 specifies that the base plate has a plurality of T-shape projections having a reasonably stiff top segment where the reasonably stiff top segment has a substantially straight upper surface. (See Specification, page 15, lines 6-7, and Figure 10). Claim 1 further specifies that the handle has a channel configured in such a manner as to accept at least part of a user's fingers when the handle is grasped from above.

Hintz does not teach Applicant's T-shape projections. Rather, Hintz teaches projections without specifying their shape. Also, Hintz fails to teach Applicant's handle.

Rather, Hintz teaches an elongated handle capable of being grasped in a way that a user's fingers wrap around the handle without being placed on the channel.

Since Hintz fails to teach: (1) Applicant's projections, and (2) Applicant's handle, Claim 1 is believed to be patentable over Hintz. Thus, the rejection is transversed.

§ 103 Rejections

Claims 1-8, 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hintz et al. (USPN 6493899) in view of Lacey et al. (PGPub 2002/0125605).

Applicant submits that independent Claim 1 is patentable over Hintz in view of Lacey. Applicant's invention as recited in Claim 1 is directed toward a cleaning device, comprising a cleaning member, a base plate, an ergonomic handle and a connector. Claim 1 further specifies that the base plate has a plurality of projections having a reasonably stiff top segment where the reasonably stiff top segment has a substantially straight upper surface. (See Specification, page 15, lines 6-7 and Figure 10). However, Hintz fails to teach the exact type of projections. To overcome this deficiency, Examiner relies on Lacey teaching "palm tree style" projections. (Lacey, page 10, paragraph 0145). However, Lacey does not teach Applicant's T-shape projections where the top segment has a substantially straight upper surface. Thus, Claim 1 is believed to be patentable over Hintz in view of Lacey, and the rejection is transversed.

Claims 2-8, 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hintz in view of Lacey. Since Claim 1 is believed to be patentable over Hintz in view of Lacey, Claims 2-8, 10 are believed to be patentable over Hintz in view of Lacey on the basis of their dependency on Claim 1. Thus, the rejection is transversed.

Claims 1-8, 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Paepke (USPN 5003659) in view of Fay (USPN 2676758) and in view of Lacey et al. (PGPub 2002/0125605).

Applicant submits that independent Claim 1 is patentable over Paepke in view of Fay and in view of Lacey. Applicant's invention as recited in Claim 1 is directed toward a cleaning device, comprising a cleaning member, a base plate, an ergonomic handle and a connector. Claim 1 further specifies that the base plate has a plurality of T-shape projections having a reasonably stiff top segment where the reasonably stiff top segment has a substantially straight upper surface.

To support his 103(a) rejection, Examiner relies on Paepke alleging that it teaches a cleaning device comprising a cleaning member, a base plate having a plurality of projections and grasping means integral with the base. Examiner admits that Paepke fails to teach the exact style of projections and a handle that is separable from the base plate. To overcome the deficiencies of Paepke, Examiner relies upon Fay teaching a handle, a base plate and a connector linking the handle and the base member. However, Fay does not teach the exact style of projections. To overcome these deficiencies, Examiner relies on Lacey teaching "a palm tree style" projections and not Applicant's T-shape projections where the top segment has a substantially straight upper surface. (Paepke, page 10, paragraph 0145).

Because Paepke, Fay and Lacey do not teach Applicant's projections (taken alone or in combination), Applicant believes that Claim 1 is patentable over Paepke in view of Fay and in view of Lacey. Thus the rejection is transversed.

Claims 2-8, 10 depend on Claim 1. Since Claim 1 is believed to be patentable over Paepke in view of Fay and in view of Lacey, Claims 2-8, 10 are believed to be patentable over Paepke in view of Fay and in view of Lacey on the basis of their dependency on Claim 1.

Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Graham in view of Garcia (USPN 549015) or Hintz et al. in view of Garcia (USPN 549015). Applicant submits that Claim 9 is patentable over Graham in view of Garcia or Hintz in view of Garcia since these references (taken alone or in combination) do not teach Applicant's T-shape projections, where the top segment has a substantially straight upper surface. Thus, Applicant believes that Claim 9 is patentable over Graham in view of Garcia) or Hintz in view of Garcia. Thus, the rejection is transversed.

Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Paepke in view of Fay and Lacey et al. and Garcia as applied as applied to claim 9 and further in view of Hortel et al. (USPN 6233771). Since Paepke, Fay, Lacer Garcia and Hortel (taken alone or in combination) do not teach Applicant's T-shape projections having a reasonably stiff top segment where the reasonably stiff top segment has a substantially straight surface, Applicant believes that Claim 11 is patentable over Paepke in view of Fay and Lacey and Garcia as applied to claim 9 and further in view of Hortel.. Thus, the rejection is transversed.

CONCLUSION

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance.

If any issues remain, or if Examiner has any further suggestions, he is invited to call the undersigned at the telephone number provided below.

Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 06-0515.

Respectfully submitted,
Stephen E. Feldman, P.C.

By: _____

Stephen E Feldman
Reg. No. 22,473
(212) 532-8585